

UNITED STATES DISTRICT COURT
 for the
 District of Nebraska

United States of America

v.

JONATHAN W. EARTH

SEALED

Case No. 8:20MJ185

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 18, 2020 in the county of Thurston in the
 District of Nebraska, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 113(a)(3) & 1153	Assault with a Dangerous Weapon in Indian Country
18 U.S.C. 113(a)(6) & 1153	Assault Resulting in Serious Bodily Injury in Indian Country

This criminal complaint is based on these facts:

See attached affidavit

Continued on the attached sheet.



Complainant's signature

FBI S/A Jeff Howard

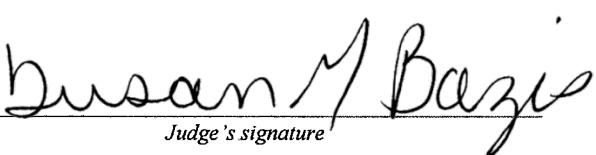
Printed name and title

Sworn to before me and signed in my presence.

Date: 4-16-20

City and state: Omaha, Nebraska

Susan M. Bazis, U.S. Magistrate Judge

Printed name and title


Judge's signature

Affidavit for Criminal Complaint and Arrest Warrant

I, Jeffrey Howard, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been so employed since January 31, 1999. Since July 2, 2007, I have been assigned to the Omaha, Nebraska, FBI Division. In the course of my official duties I am charged with the investigation of crimes occurring on the Indian Reservations of Nebraska, including the Winnebago Indian Reservation, located in Thurston County, Nebraska, within the District of Nebraska.

2. The facts in this affidavit come from information obtained from my investigation, from my training and experience, and information obtained from other agents and witnesses. This affidavit is intended only to show that there is sufficient probable cause for the requested criminal complaint and arrest warrant and does not set forth all of my knowledge about this matter.

3. Based on my training and experience and the facts, as set forth in this affidavit, there is probable cause to believe that on or about March 18, 2020, JONATHAN WAYNE EARTH, JR violated Title 18 U.S.C §§ 113(a)(3) and 1153 (Assault with a Dangerous Weapon in Indian Country) and 113(a)(6) and 1153 (Assault Resulting in Serious Bodily Injury in Indian Country).

PROBABLE CAUSE

4. On 3/18/2020, Chief of Police, Jason Lawrence, Winnebago Police Department, requested the assistance of the FBI to investigate an assault by JONATHAN WAYNE EARTH, JR (hereinafter, EARTH), a Native American, date of birth (DOB) xx/xx/1981, using brass knuckles, resulting in serious bodily injury to HENRY RICE GOODMAN (hereinafter, GOODMAN), a Native American, date of birth (DOB) xx/xx/1979, that occurred at 306 Bluff Street, Winnebago, Nebraska, on the Winnebago Indian Reservation.

5. Also on 3/18/2020, Officer Joe Littlegeorge, took a report from GOODMAN at Winnebago Hospital, where GOODMAN reported his jaw hurt really bad from EARTH hitting GOODMAN in the left side of GOODMAN's face with a pair of brass knuckles. GOODMAN saw EARTH reach into EARTH's pocket and pull out something shiny on EARTH's hand and hit GOODMAN with it. GOODMAN said he knows EARTH to carry brass knuckles. Littlegeorge took pictures of GOODMAN at the hospital and had GOODMAN sign a release of medical information form.

6. On 4/9/2020, GOODMAN was contacted at his residence by your Affiant. GOODMAN said he was walking down the alley behind 306 Bluff Street, Winnebago, Nebraska, on the Winnebago Indian Reservation, on 3/18/2020 at approximately 6:30 PM, with his children

and stopped to play horseshoes at that residence. GOODMAN said EARTH was also there and they got into an argument over an incident that had occurred a couple of days previous to the 3/18/2020 incident. GOODMAN said EARTH pulled out a pair of brass knuckles and hit GOODMAN in the left side of GOODMAN's face causing pain that GOODMAN rated as a 10 on a 10 scale. GOODMAN later went to the Winnebago Hospital for x-rays and was told he had a bilateral fracture. GOODMAN denied ever swinging on EARTH and characterized the assault as "unprovoked." GOODMAN later sought treatment at Mercy Medical Center in Sioux City, Iowa where his mouth was wired shut. Your Affiant observed GOODMAN's mouth to be wired shut and photos were taken.

7. Also on 4/9/2020, GOODMAN's son, LATRELL GOODMAN (Hereinafter LATRELL), was interviewed. LATRELL stated he was with his dad at 306 Bluff Street, Winnebago, Nebraska, on 3/18/2020 when LATRELL observed EARTH to hit GOODMAN in the face with brass knuckles.

8. On 4/13/2020, Mercy Medical Center reports were received by your Affiant. A note by the attending physician stated: "This is a 40 year old male who presented to the Winnebago Emergency Department initially. He reported that he was hit in the face with a pair of brass knuckles. Due to his pain, he went to the Winnebago ED. At the Winnebago ED, they evaluated him and found him to have a bilateral mandibular fractures. He was then transported to Mercy ER who further evaluated him and consulted me for evaluation and treatment."

9. On 1/6/2020, your Affiant obtained EARTH's Certificate of Indian Blood (CIB) from the Winnebago Enrollment Officer, Cheri Redhorn. EARTH is an enrolled member of the Winnebago Tribe of Nebraska, with a DOB of xx/xx/1981.

10. On 4/14/2020, your Affiant obtained GOODMAN's CIB from the Winnebago Enrollment Officer, Ramona Sheridan. GOODMAN is an enrolled member of the Winnebago Tribe of Nebraska, with a DOB of xx/xx/1979.

11. The location where EARTH struck GOODMAN with brass knuckles on March 18, 2020, is located in Winnebago, Nebraska, and is located within the exterior boundaries of the Winnebago Indian Reservation.

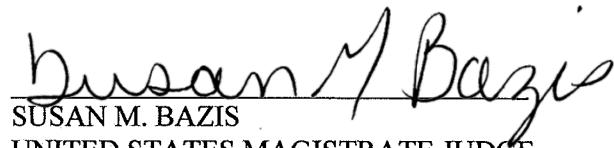
12. Based on the foregoing, your Affiant believes that probable cause exists to believe there have been violations of Title 18 U.S.C §§ 113(a)(3) and 1153 (Assault with a Dangerous Weapon in Indian Country) and 113(a)(6) and 1153 (Assault Resulting in Serious Bodily Injury in Indian Country), that EARTH committed these violations of federal law, and that an arrest warrant should be issued for EARTH.

13. Affiant requests that the criminal complaint, affidavit for criminal complaint, arrest warrant, and accompanying documents be sealed until EARTH is arrested. If EARTH is aware of the pending charge and arrest warrant before he is arrested, he may flee and/or hide. Arresting EARTH would become more difficult and dangerous.

Respectfully submitted,

Jeffrey J. Lovano
Special Agent
Federal Bureau of Investigation

Subscribed to and sworn before me this
16 day of April, 2020


SUSAN M. BAZIS

UNITED STATES MAGISTRATE JUDGE